

civil rights protection & advocacy system for montana

disability **rights**
formerly Montana Advocacy Program montana

January 14, 2009

Members of the House State Administration Committee

Re : HB 18

Dear Committee Members:

Mail ballots may make voting more convenient for some persons with disabilities. However, for those persons with disabilities who cannot fill out a paper ballot independently, such as persons who are blind, have quadriplegia, or have other mobility impairments that prevent them from being able to hold and use a pencil or pen, mail ballot voting is no more convenient than the polling place system. In fact, as accessible voting machines will be less available under the mail ballot pilot project than under the polling place election system, voting independently and privately will become more difficult for persons with those disabilities.

Accordingly, we strongly feel that more needs to be done to ensure that the pilot project does not unnecessarily burden these persons with disabilities. In addition to providing replacement ballots at the places of deposit, which are necessary for persons with disabilities who might make mistakes when filling out their ballot with the AutoMARK, the following amendments to expand accessibility of the process are necessary:

NEW SECTION. Section 4. Places of deposit. (1) The election administrator of each participating county shall designate places of deposit where ballots may be returned in person by the elector or the elector's agent or designee, as provided in 13-19-307. Places of deposit must be accessible. (13-3-201)

(2) (a) Subject to subsection (2)(b), for a regularly scheduled or special federal, state, or county election, the election administrator shall designate the election administrator's office as a place of deposit and shall designate at least four additional places of deposit. If a county had fewer than four polling places certified to the secretary of state for the November 2008 election, the election administrator of that county may designate a number of places of deposit that is equal to the number of polling places certified in 2008.

- (i) at least three other places of deposit in a county with 6,000 or more active registered electors;
- (ii) at least two other places of deposit in a county with more than 3,000 but fewer than 6,000

To: House State Administration Committee
Re: HB 18
Date: January 14, 2009
Page 2

active

registered electors; or

(iii) ~~at least one other place of deposit in a county with 3,000 or fewer active registered electors.~~

(b) ~~The election administrator in a county that had fewer polling places certified to the secretary of state for the November 2008 election than the number of places of deposit required under subsection (2)(a) may designate a number of places of deposit that is equal to the number of polling places certified in 2008.~~

(3) For all other elections, the election administrator shall designate the election administrator's office and ~~may designate~~ one or more places in the political subdivision in which the election is being conducted as places of deposit.

(4) If the election administrator's office is not accessible pursuant to 13-3-205, the election administrator shall designate at least two ~~one~~ accessible place of deposit.

(5) For all elections for which this project will be in place as identified in (new section 3) ~~any federal or state election or for a county election held in conjunction with a federal or state election~~, an accessible voting machine must be made available to electors at each place of deposit, unless providing the machine would require a fundamental alteration of the county's provision of election services, pursuant to the Americans with Disabilities Act, 42 U.S.C. 12132, 28 C.F.R. 35.104.

(6) Each place of deposit must be staffed by at least two election officials who are selected as provided for election judges in 13-4-102.

(7) A place of deposit shall be available for two days other than election day.

NEW SECTION. Section 5. Information collection required -- reporting. (1) Counties participating in the pilot project shall collect the following information for each election held by mail:

(a) the number of ballots that were:

(i) mailed to electors;

(ii) voted and returned by mail or to a place of deposit by an elector;

(iii) returned as undeliverable;

(iv) voted or handled as a provisional ballot;

(v) considered invalid pursuant to 13-19-311; and

(vi) received after election day;

(b) the voter turnout in precincts in which:

To: House State Administration Committee

Re: HB 18

Date: January 14, 2009

Page 3

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- (I) Indians make up more than 50% of the population; or
(ii) there are significant numbers of the following transitional populations:
(A) minorities;
(B) students;
(C) single or divorced persons; or
(D) low-income persons;
(E) youth; or
(F) people with disabilities. . . .

Sincerely,

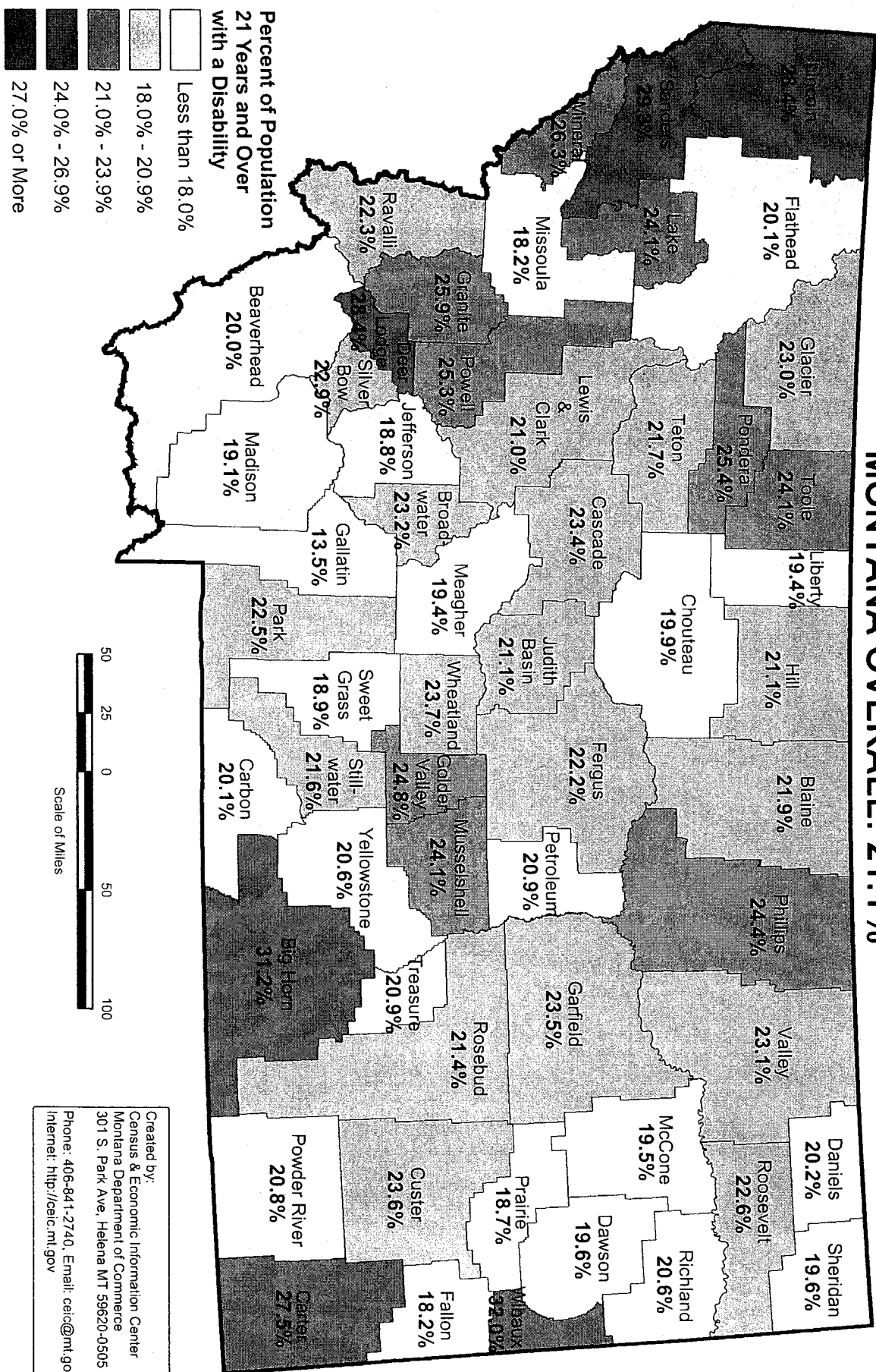


Beth Brenneman
Staff Attorney

U.S. CENSUS 2000: Montana

Percent of the Population 21 Years and Over with a Disability

MONTANA OVERALL: 21.1%



SOURCE: U.S. Census Bureau, Census 2000, Summary File 3, Table P42. Sex by Age by Disability Status by Employment Status for the Civilian Noninstitutionalized Population 5 Years and Over.

DEFINITION: People 21 years and over are considered to have a disability if they have one or more of the following: a) blindness, deafness, or a severe vision or hearing impairment; b) a substantial limitation in the ability to perform basic physical activities, such as walking, climbing stairs, reaching, lifting, or carrying; c) difficulty learning, remembering, or concentrating; d) difficulty dressing, bathing, or getting around inside the home; e) difficulty going outside the home alone to shop or visit a doctor's office; f) difficulty working at a job or business (age 21-64).

** NOTE: This is not the same as the Behavioral Risk Factor Surveillance System (BRFSS) definition of disability. The BRFSS definition is: limited in any activities or use special equipment, people 18 years and over.

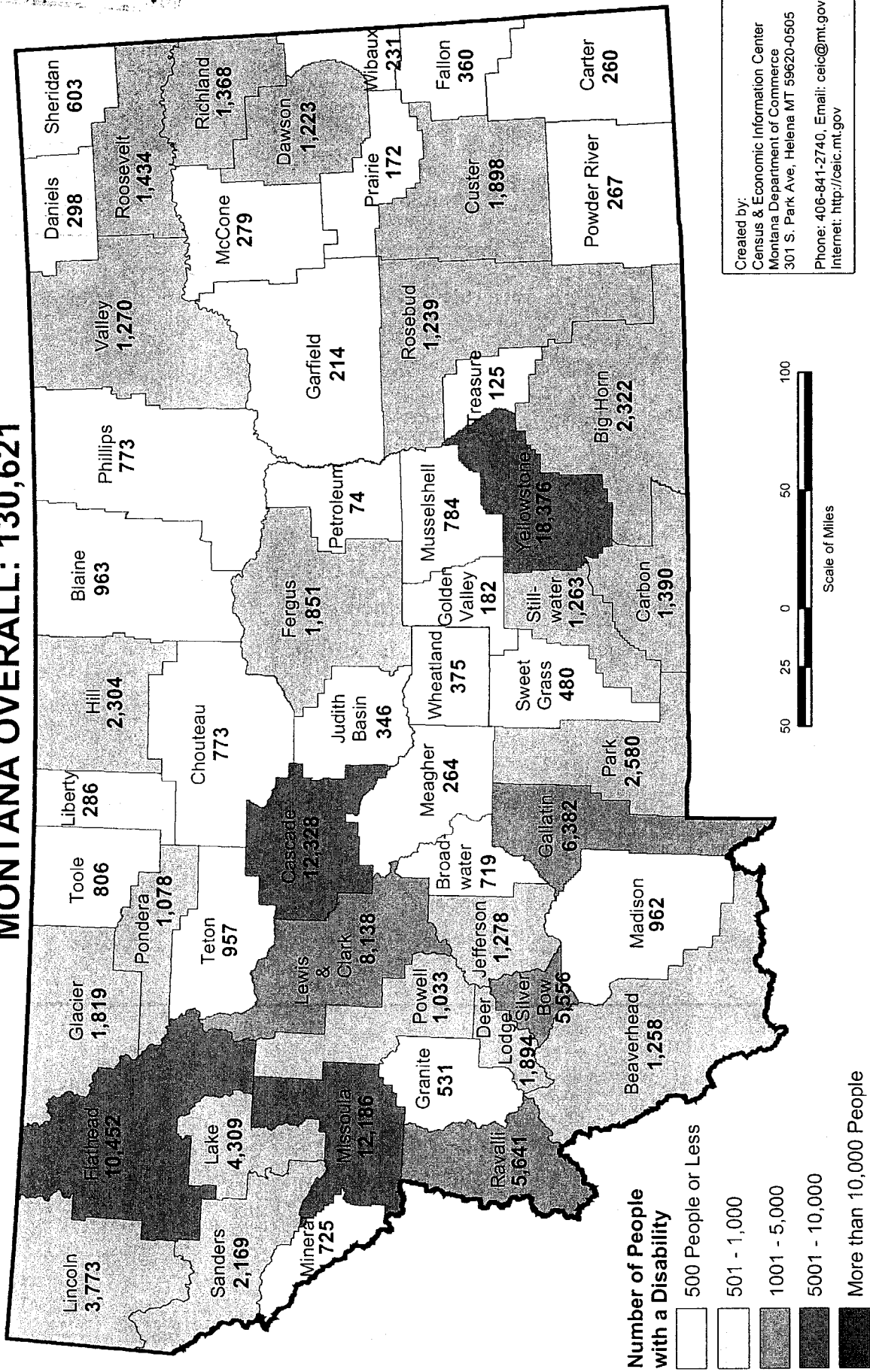
Created by:
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Internet: <http://ceic.mt.gov>

November 2005 - Disability_Percent21.mxd

U.S. CENSUS 2000: Montana

Number of People 21 Years and Over with a Disability

MONTANA OVERALL: 130,621



SOURCE: U.S. Census Bureau, Census 2000, Summary File 3, Table P42. Sex by Age by Disability Status for the Civilian Noninstitutionalized Population 5 Years and Over.

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